

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated March 17, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-24 are currently pending in the Application. Claims 1, 8, 15, 20 and 23 are independent claims.

In the Office Action, claims 1-5, 7-13, 15, 16, 18-21 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,751,392 (Zigmond) in view of U.S. Patent Publication No. 2005/0015815 (Shoff). Claims 6, 14, 17, 22 and 24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zigmond in view of Shoff, in further view of U.S. Patent No. 6,018,768 (Ullman). It is respectfully submitted that claim 1-24 are allowable over Zigmond in view of Shoff alone and in view of Ullman.

Zigmond is cited (see, Final Office Action, page 6) for allegedly showing "(c) determining whether said detected tag information indicates that said synchronized web simulcasts are being broadcast currently; and, (c)(1)(i) if yes, establishing a

channel connection to the source of said synchronized web simulcasts indicated by said tag information; (c)(1)(ii) downloading and displaying a number of enhanced features from the source of said synchronized web simulcasts to a viewer; (c)(2)(i) if no, establishing a channel connection to the source of said synchronized web simulcasts indicated by said tag information; and, (c)(2)(ii) downloading a number of enhanced features from the source of said synchronized web simulcasts for storage in a memory medium for subsequent retrieval" as recited in claim 8 and as similarly recited in each of claims 1, 15, 20 and 23. However, it is respectfully submitted that reliance on Zigmond for showing these features is misplaced since Zigmond does not disclose or suggest the cited elements of the claims.

FIG. 2, item 205 and FIG. 3 are cited in support of the notion that the above recited elements are disclosed by Zigmond, yet it is respectfully submitted that reliance on the FIGs. and elements of Zigmond is misplaced. FIG. 2, item 205 merely identifies a broadcast television signal 205 that is received by an antenna 209 (see, Col. 5, lines 14-15). According to FIG. 3, Zigmond (emphasis added) "monitors the one-way broadcast communication channel for information resources such that if an information resource 301 (see

FIG. 2) is received from the one-way broadcast communication channel, then receiver unit 201 obtains the information resource 301 from the broadcast channel and stores the information resource in local storage in receiver unit 201." Accordingly, as should be clear, if the system of Zigmond receives an information resource, the system of Zigmond will store the information resource regardless of whether synchronized web simulcasts are being currently broadcast. This is because the system of Zigmond makes no distinction on how to affect the management of enhanced features based on whether synchronized web simulcasts are being currently broadcast. Items 306, 307 of FIG. 3, as described in the sections of Zigmond cited in the Final Office Action, merely makes a distinction whether the information resource is locally stored or not irrespective of whether synchronized web simulcasts are being currently broadcast.

Therefore, it is respectfully submitted that the method of Claim 1 is not anticipated or made obvious by the teachings of Zigmond in view of Shoff alone and in further view of Ullman. For example, Zigmond in view of Shoff alone and in further view of Ullman does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided)

"storing said retrieved enhanced features in a storage medium for subsequent retrieval if the tag information indicates that said synchronized web simulcasts are not being broadcast currently and displaying a number of enhanced features from the source of said synchronized web simulcasts to a viewer if the tag information indicates that said synchronized web simulcasts are being broadcast currently" as recited in Claim 1, and as substantially recited by each of Claims 8, 15, 20 and 23. Ullman is cited for allegedly showing other features of the claims yet does nothing to cure the deficiencies present in Zigmond in view of Shoff.

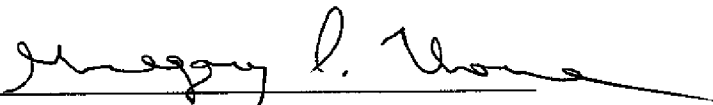
Based on the foregoing, the Applicants respectfully submit that independent Claims 1, 8, 15, 20 and 23 are patentable over Zigmond in view of Shoff alone and in further view of Ullman and notice to this effect is earnestly solicited. Claims 2-7, 9-14, 16-19, 21, 22, 24 respectively depend from one of Claims 1, 8, 15, 20 and 23 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
May 16, 2008

Enclosures: Request for Continued Examination (RCE)

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101